

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NATHAN R. GONINAN, ) Case No. 07-1099-RAJ-JPD  
Plaintiff, )  
v. )  
DAVE OSTER, ) REPORT AND RECOMMENDATION  
Defendant. )

## I. FACTS AND PROCEDURAL BACKGROUND

The present matter comes before the Court on defendant's Motion to Dismiss. Dkt. No. 21. On July 16, 2007, plaintiff filed a civil rights complaint pursuant to 42 U.S.C. § 1983, together with an application to proceed *in forma pauperis* ("IFP"). Dkt. No. 1. Between July 17, 2007 and August 7, 2007, the Court successfully corresponded with plaintiff via U.S. Mail at his Snohomish County Jail address to correct deficiencies in his IFP application, grant his amended IFP application, and to direct service upon the defendant in this case. Dkt. Nos. 3, 5, 7. Subsequent correspondence mailed by the Court to plaintiff, however, has been returned with the notation "not at this address," or words to that effect. *See* Dkt. No. 19.

## II. DISCUSSION

Local Rule CR 41 states, in pertinent part, as follows:

A party proceeding pro se shall keep the court and opposing parties advised as to his current address. If mail directed to a pro se plaintiff by the clerk is

returned by the post office, and if such plaintiff fails to notify the court and opposing parties within sixty days thereafter of his current address, the court may dismiss the action without prejudice for failure to prosecute

**Local Rule CR 41(b)(2).**

On September 14, 2007, the Court was notified that plaintiff could no longer be reached at his Snohomish County Jail address. Dkt. No. 19. Over 130 days have passed since that time. To date, plaintiff has failed to provide his current mailing address or otherwise contact the Court.

### III. CONCLUSION

Plaintiff has failed to properly inform the Court and opposing parties of his current mailing address. He appears not to be proceeding with this lawsuit. Accordingly, the Court recommends that defendant's Motion to Dismiss (Dkt. No. 21) be GRANTED, and plaintiff's case be DISMISSED, without prejudice, for failure to prosecute. *See* Local Rule CR 41(b)(2). A proposed order accompanies this Report and Recommendation.

DATED this 29th day of January, 2008.

James P. Donohue

~~JAMES P. DONOHUE~~  
United States Magistrate Judge